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CRANFORD, MICHAEL D				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/786,942

Applicant(s)

WILSON, JAMES R.

Examiner

MICHAEL D. CRANFORD

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/18/08.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-44 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the amendment filed on 18 August 2008.
2. Claims 1-44 are currently pending and have been examined.
3. The rejections of claims 1-44 have been updated to reflect the amendments.

Applicant's arguments received on 18 August 2008 have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims.

With regard to the limitations of claims 1, 11, 12, 21, 38, 39 and 42, Applicant argues Hoffman fails to disclose "identifying a complete set of compliance provisions from contract terms, conditions, and applicable regulations for a customer's contract."

Applicant also states that Hoffman fails to identify a complete set of compliance provisions associated with a contract and there is no gathering of supplier compliance information quantifying compliance by the supplier with the compliance provisions. Applicant continues by stating Hoffman fails to show the similarities between two distinct concepts. These concepts are related to performance and compliance information.

Hoffman discloses information relating to the arguments presented by Applicant regarding claims 1, 11,

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12, 21, 38, 39 and 42. Information regarding compliance provisions and contract terms can be found on page 8 paragraph 0271....order confirmation, product delivery/receiving, electronic invoicing, electronic wire payment transfers, data collection, and most important, contract compliance and distributor performance measurement, which assists in managing distributor performance. Hoffman further discloses on page 12 paragraph 0338....data collection and reporting is in a format that allows derivation of product requirements to support forecasted menu item sales.

Dependent claims 2-10, 13-20, 22-37, 40, 41, 43 and 44 are rejected for the reasons given above with respect to the independent claims.

Applicant argues that because Hoffman fails to disclose "charging the suppliers a periodic fee for verification of the supplier's compliance information," claim 12 is in condition for allowance. However, Hoffman discloses on page 15 paragraph 0386....fees can be charged for such things as co-branding, local service and product providers, national providers of optional items/services, distributor specials, utilities, etc. Participating suppliers must be in compliance with rules and regulations that govern their locality.

Applicant argues that claim 5 should also be considered with regard to an allowance. Applicant states that Hoffman fails to disclose "adding emerging business regulations as the business regulations become effective." Hoffman discloses on page 43 paragraph 0960....and cross reference to security procedures and related information, such as company policies and governmental laws and regulations. It is obvious that because Hoffman's art discloses a system involving governmental laws and regulations, this system must operate in compliance with such governmental laws and regulations. Therefore, as government changes or adds new laws/regulations, system must also be changed in order to be compliant.

Applicant argues that claim 9 should be considered for allowance due to Hoffman's failure to disclose "notifying a customer of important supplier due dates that are about to expire and a relevant expiration date." However, Hoffman discloses on page 77 paragraph 1807....Cost Matrix End Date identifies the minimum term but will also mean that at the end of the matrix the contracted pricing will expire and a new

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Exhibit B should be generated and signed. See also page 66 Table 28....Login/Password Management – custom notification and online monitoring.

Examiner finds that because Hoffman discloses a system where contracts in a supply chain are generated and monitored for compliance, the Applicant's arguments do not overcome rejections.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-44 are rejected under 35 U.S.C. 102(e) as being unpatentable over Hoffman et al. (US PGP 2003/0083918 A1).

6. **Claim 1:**

Hoffman et al. shown, discloses the following limitations:

- *identifying a complete set of compliance provisions from contract terms, conditions, and applicable regulations for a customer's contract (see at least page 16 paragraph 0405....the supply agreement is entered into with the supply*

agreement having at least the following provisions: i) establishing a contract price for the good, and ii) requiring the selling supply chain participant to bill the buying supply chain participant at an invoice price to be determined by the supply chain manager)

- *gathering supplier compliance information quantifying compliance by the supplier with the compliance provisions* (see at least page 9 paragraph 0291....such performance information includes system inventory levels and movement, ordering activity, order fill rates, on-time deliveries, and product quality issues)
- *storing the supplier compliance information in a database that is accessible over a network* (see at least page 11 paragraph 0312....data such as menu item sales is collected in a database. An integrity check can be performed prior to storing the data in a database)
- *verifying the supplier compliance information using a verification provider in order to produce qualitative verification of supplier compliance information* (see at least page 8 paragraph 0274....this includes distributor and supplier performance measures, representations of daily outlet item sales with translations to specified product requirements, and inventory levels, sales history and forecasts at various points in the Supply Chain)
- *facilitating customer access over the network to the supplier compliance information for the compliance provisions* (see at least page 8 paragraph 0280....processed data may be made accessible via a network-based interface)

7. Claim 2:

Hoffman et al. shown, discloses the following limitations:

- *verifying the supplier compliance information further comprises the step of assessing the correctness of portions of the supplier compliance information* (see at least page 11 paragraph 0312....data such as menu item sales is collected in

a database. An integrity check can be performed prior to storing the data in a database)

8. Claim 3:

Hoffman et al. shown, discloses the following limitations:

- *verifying the supplier compliance information further comprises the step of comparing supplier compliance information with electronic databases containing information for confirming the supplier compliance information (see at least page 8 paragraph 0274....this includes distributor and supplier performance measures, representations of daily outlet item sales with translations to specified product requirements, and inventory levels, sales history and forecasts at various points in the Supply Chain)*

9. Claim 4:

Hoffman et al. shown, discloses the following limitations:

- *verifying the supplier compliance information further comprises the step of comparing supplier compliance information with confirmation information obtained by human researchers to verify the supplier compliance information (see at least page 10 paragraph 0308....the first set of data relates to an amount of goods sold by the stores. A second set of real-time data is collected from the stores utilizing the network. The second set of real-time data relates to the amount of goods sold by the stores. The second set of real-time is compared against the forecasting and the results of the comparison are fed back for facilitating supply chain management)*

10. Claim 5:

Hoffman et al. shown, discloses the following limitations:

- *identifying a complete set of contract terms further comprises the step of adding emerging business regulations as the business regulations become effective* (see at least page 36 paragraph 0772....it should be acknowledged that the supply chain coordinator and its user community organizations may have its own local and governmental laws and regulations that will impact how they interact with the law enforcement and investigative agencies. The security policies and procedures need to identify those potential differences to help the various domain organizations follow consistent incident response methods)

11. Claim 6:

Hoffman et al. shown, discloses the following limitations:

- *facilitating customer access further comprises the step of providing reporting capabilities for the complete set of contract terms, conditions, and applicable regulations for the compliance provisions* (see at least page 13 paragraph 0351....FIG. 22 illustrates an electronic reporting and feedback system)

12. Claim 7:

Hoffman et al. shown, discloses the following limitations:

- *providing information regarding the supplier's compliance with a customer's contract terms, conditions and applicable regulations to both the supplier and the customer on an ongoing basis* (see at least page 8 paragraph 0274....Information Services analyzes, organizes and feeds back Supply Chain data to meet the information needs of Supply Chain end users such as a brand owner, the Supply Chain Coordinator, retail outlet management)

13. Claim 8:

Hoffman et al. shown, discloses the following limitations:

- *notifying a supplier of important compliance due dates that are about to expire and a relevant expiration date* (see at least page 9 paragraph 0285....the data may include delivery dates associated with the goods. In such an aspect, the

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performance may be tracked by comparing the delivery dates with a plurality of target dates)

14. Claim 9:

Hoffman et al. shown, discloses the following limitations:

- *notifying a customer of important supplier due dates that are about to expire and a relevant expiration date* (see at least page 9 paragraph 0285....the data may include delivery dates associated with the goods. In such an aspect, the performance may be tracked by comparing the delivery dates with a plurality of target dates)

15. Claim 10:

Hoffman et al. shown, discloses the following limitations:

- *organizing the supplier compliance information in a logical, consistent and easy to use format* (see at least page 8 paragraph 0274....Services also determines a proper format in which to present the data so that it is in the most useful form for the end user)

16. Claim 11:

Hoffman et al. shown, discloses the following limitations:

- *customer having a contract with a plurality of compliance provisions identified from contract terms, conditions, and applicable regulations* (see at least page 16 paragraph 0405....the supply agreement is entered into with the supply agreement having at least the following provisions: i) establishing a contract price for the good, and ii) requiring the selling supply chain participant to bill the buying supply chain participant at an invoice price to be determined by the supply chain manager)
- *supplier who has agreed to the contract with the customer* (see at least page 16 paragraph 0405....the supply agreement is entered into with the supply

agreement having at least the following provisions: i) establishing a contract price for the good, and ii) requiring the selling supply chain participant to bill the buying supply chain participant at an invoice price to be determined by the supply chain manager)

- *verification provider that is enabled to gather supplier compliance information related to the compliance provisions and enabled to verify the supplier compliance information in order to produce qualitative verification of the supplier compliance information (see at least page 8 paragraph 0274....this includes distributor and supplier performance measures, representations of daily outlet item sales with translations to specified product requirements, and inventory levels, sales history and forecasts at various points in the Supply Chain)*
- *database configured for storing the supplier compliance information (see at least page 11 paragraph 0312.....various types of analysis are performed on the data and reports are generated by Report Management...such as compliance data)*
- *computer network configured for facilitating access by the customer over the network to the supplier compliance information for the compliance provisions (see at least page 8 paragraph 0280....processed data may be made accessible via a network-based interface)*

17. Claim 12:

Hoffman et al. shown, discloses the following limitations:

obtaining supplier information from a customer in order to collect supplier compliance information that includes the customer's contract terms, conditions, and applicable regulations for a supplier (see at least page 9 paragraph 0291....such performance information includes system inventory levels and movement, ordering activity, order fill rates, on-time deliveries, and product quality issues)

- *gathering supplier compliance information from suppliers who provide the supplier compliance information in order for the supplier to engage in further business with the customer* (see at least page 10 paragraph 0307....invention provides an analytical model which enables a large and extended ecosystem, comprised of many similar but otherwise independent operating units, to quickly and inexpensively share near-real time data, with a trusted 3rd party, from a selected sources, in a highly granular format, and then have extracted meaningful projections of future behavior)
- *charging the suppliers a periodic fee for verification of the supplier's compliance information* (see at least page 16 paragraph 0397....the users are identified upon accessing the data utilizing the network-based interface in operation so that the users can be charged a fee)
- *verifying supplier compliance information using a verification provider to provide verified supplier compliance information* (see at least page 8 paragraph 0274....this includes distributor and supplier performance measures, representations of daily outlet item sales with translations to specified product requirements, and inventory levels, sales history and forecasts at various points in the Supply Chain)
- *facilitating customer access to the verified supplier compliance information at no charge to the customer via a computer network* (see at least page 8 paragraph 0280....processed data may be made accessible via a network-based interface)

18. Claim 13:

Hoffman et al. shown, discloses the following limitations:

- *verifying supplier compliance information that includes a complete set of contract terms, conditions, and applicable regulations contained in a customer's contract with the supplier* (see at least page 8 paragraph 0274....this includes distributor and supplier performance measures, representations of daily outlet item sales

with translations to specified product requirements, and inventory levels, sales history and forecasts at various points in the Supply Chain)

19. Claim 14:

Hoffman et al. shown, discloses the following limitations:

- *contacting the suppliers with a request to enter supplier compliance information into a verification database* (see at least page 15 paragraph 0395....a network is utilized to receive data from a plurality of stores of a supply chain in operation)

20. Claim 15:

Hoffman et al. shown, discloses the following limitations:

- *contacting the suppliers further comprises the step of having the customer contact the suppliers with a request to enter supplier compliance information into the verification database* (see at least page 15 paragraph 0395....a network is utilized to receive data from a plurality of stores of a supply chain in operation)

21. Claim 16:

Hoffman et al. shown, discloses the following limitations:

- *contacting the suppliers using an official customer contact channel with a request to enter supplier compliance information into the verification database* (see at least page 15 paragraph 0395....a network is utilized to receive data from a plurality of stores of a supply chain in operation. A user is allowed to access the data utilizing a network interface. Offers are then made to the user to sell products from a third party that are related to the store utilizing the network-based interface)

22. Claim 17:

Hoffman et al. shown, discloses the following limitations:

- *contacting the suppliers using a customer's official letterhead and signature of a customer's executive officer, with a request to enter the supplier compliance information into the verification database* (see at least page 80 paragraph

1854....the proposal system allows editing of a Microsoft Word template document which is then used to create the actual document that will be included in the proposal....the available templates include the Cover Letter and Price Component Worksheet)

23. Claim 18:

Hoffman et al. shown, discloses the following limitations:

- *contracting with the suppliers to receive the supplier compliance information which includes the supplier compliance with a customer's contract terms, conditions, and applicable regulations* (see at least page 8 paragraph 0274....this includes distributor and supplier performance measures, representations of daily outlet item sales with translations to specified product requirements, and inventory levels, sales history and forecasts at various points in the Supply Chain)

24. Claim 19:

Hoffman et al. shown, discloses the following limitations:

- *charging the supplier a periodic fee further comprises the step of charging the supplier a periodic fee selected from the fees consisting of: a yearly fee, a semiannual fee, a quarterly fee and a monthly fee* (see at least page 15 paragraph 0387.....revenue can also be generated by charging a fee to participants who buy and sell through the site, such as bakeries, soft drink vendors, coffee vendors, equipment vendors, consumers, restaurants, etc...)

25. Claim 20:

Hoffman et al. shown, discloses the following limitations:

- *displaying exceptions regarding the supplier's compliance information to a customer that are not in compliance, while hiding compliance information that is in compliance* (see at least page 43 paragraph 0952.... a stronger way to provide confidentiality is through encryption. Encryption is accomplished by scrambling

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data so that it is very difficult and time consuming for anyone other than the authorized recipients or owners to obtain the plain text)

26. Claim 21:

Hoffman et al. shown, discloses the following limitations:

- *involving an independent industry representative who is able to arrange a communication with a customer's senior level management (see at least page 7 paragraph 0260....supply chain participants, as used herein, refers without limitations to stores and other vendors/outlets, distributors, suppliers, etc....also including senior level management)*
- *presenting the verification system for supplier compliance to the customer's senior level management based on the independent industry representative's involvement (see at least page 8 paragraph 0274....this includes distributor and supplier performance measures, representations of daily outlet item sales with translations to specified product requirements, and inventory levels, sales history and forecasts at various points in the Supply Chain)*
- *collecting supplier compliance information from suppliers regarding compliance with contract terms, conditions, and applicable regulations (see at least page 8 paragraph 0274....this includes distributor and supplier performance measures, representations of daily outlet item sales with translations to specified product requirements, and inventory levels, sales history and forecasts at various points in the Supply Chain)*
- *enrolling the suppliers in the verification system in order for the supplier to engage in further business with the customer (see at least page 9 paragraph 0288....a plurality of distributors and suppliers are registered each in one of a plurality of marketplaces with each marketplace involving the supply and distribution of at least one of a plurality of goods used by a plurality of stores)*

27. Claim 22:

Hoffman et al. shown, discloses the following limitations:

- *charging the suppliers a periodic fee for enrollment in the verification system (see at least page 16 paragraph 0397....the users are identified upon accessing the data utilizing the network-based interface in operation so that the users can be charged a fee)*

28. Claim 23:

Hoffman et al. shown, discloses the following limitations:

- *charging the suppliers of the customer a yearly fee for enrollment in the verification system (see at least page 15 paragraph 0387.....revenue can also be generated by charging a fee to participants who buy and sell through the site, such as bakeries, soft drink vendors, coffee vendors, equipment vendors, consumers, restaurants, etc...)*

29. Claim 24:

Hoffman et al. shown, discloses the following limitations:

- *charging the suppliers a periodic fee for verification of the supplier compliance information (see at least page 16 paragraph 0397....the users are identified upon accessing the data utilizing the network-based interface in operation so that the users can be charged a fee)*

30. Claim 25:

Hoffman et al. shown, discloses the following limitations:

- *contracting with an independent industry representative to pay the independent industry representative a fee for arranging a meeting with a customer's senior level management (see at least page 15 paragraph 0388....sales and services can also be a source of revenue.....providing an auction service and/or management related services can also create revenue)*

31. Claim 26:

Hoffman et al. shown, discloses the following limitations:

- *contracting with an independent industry representative to pay a commission on the periodic fees collected from the suppliers* (see at least page 15 paragraph 0388....sales and services can also be a source of revenue.....providing an auction service and/or management related services can also create revenue)

32. Claim 27:

Hoffman et al. shown, discloses the following limitations:

- *enabling customer electronic access to the supplier compliance information at no charge to the customer* (see at least page 8 paragraph 0280....processed data may be made accessible via a network-based interface)

33. Claim 28:

Hoffman et al. shown, discloses the following limitations:

- *utilizing an independent industry representative further comprises the step of contracting with an independent industry representative that is a former senior executive with senior executive management contacts* (see at least page 15 paragraph 0388....sales and services can also be a source of revenue.....providing an auction service and/or management related services can also create revenue)

34. Claim 29:

Hoffman et al. shown, discloses the following limitations:

- *contracting with an independent industry representative that is a current senior executive with senior executive management contacts* (see at least page 16 paragraph 0398....in one aspect, the network includes the Internet. In one aspect, the users include suppliers, distributors, and/or stores. Contact information is also available via the internet)

35. Claim 30:

Hoffman et al. shown, discloses the following limitations:

- *contacting the suppliers with a request to enter supplier compliance information into an electronic verification database in order to remain on a supplier's customer list* (see at least page 16 paragraph 0398....in one aspect, the network includes the Internet. In one aspect, the users include suppliers, distributors, and/or stores. Database contains supplier information accessible via the internet)
- *contracting with the suppliers to receive the supplier compliance information which includes the supplier's compliance with contract terms, conditions, and applicable regulations of a customer* (see at least page 16 paragraph 0398....in one aspect, the network includes the Internet. In one aspect, the users include suppliers, distributors, and/or stores. Database contains supplier information accessible via the internet)
- *verifying the supplier compliance information* (see at least page 8 paragraph 0274....this includes distributor and supplier performance measures, representations of daily outlet item sales with translations to specified product requirements, and inventory levels, sales history and forecasts at various points in the Supply Chain)
- *charging the suppliers a periodic fee for the verification and storage of the verified supplier compliance information* (see at least page 16 paragraph 0397....the users are identified upon accessing the data utilizing the network-based interface in operation so that the users can be charged a fee)
- *enabling the customer to access verified supplier compliance information stored in the electronic verification system at no charge to the customer* (see at least page 8 paragraph 0280....processed data may be made accessible via a network-based interface)

36. Claim 31:

Hoffman et al. shown, discloses the following limitations:

- *receiving a supplier list from the customer* (see at least page 58 paragraph 1396....a plurality of users including suppliers, distributors, and stores of a supply chain are registered utilizing a network. The registered users are maintained on a list)

37. Claim 32:

Hoffman et al. shown, discloses the following limitations:

- *using the customer's official correspondence channel in order to contact the suppliers on the supplier list* (see at least page 58 paragraph 1396....a plurality of users including suppliers, distributors, and stores of a supply chain are registered utilizing a network. The registered users are maintained on a list)

38. Claim 33:

Hoffman et al. shown, discloses the following limitations:

- *contacting pre-determined portions of the suppliers on the supply list during one year until all the suppliers are contacted* (see at least page 58 paragraph 1396....a plurality of users including suppliers, distributors, and stores of a supply chain are registered utilizing a network. The registered users are maintained on a list)

39. Claim 34:

Hoffman et al. shown, discloses the following limitations:

- *agreeing with a customer to require suppliers to sign up for the supplier compliance program in order to maintain a supplier relationship with the customer* (see at least page 73 paragraph 1710....FIG. 113 is a flowchart of a process for centralizing a supply chain management framework in which a plurality of distributors of a supply chain are registered)

40. Claim 35:

Hoffman et al. shown, discloses the following limitations:

- *enrolling suppliers who the customer designates as minor suppliers at no charge to the supplier* (see at least page 9 paragraph 0288....(see at least page 9 paragraph 0288....a plurality of distributors and suppliers are registered each in one of a plurality of marketplaces with each marketplace involving the supply and distribution of at least one of a plurality of goods used by a plurality of stores)

41. Claim 36:

Hoffman et al. shown, discloses the following limitations:

- *scanning in the minor supplier information without verification* (see at least page 15 paragraph 0395.... a network is utilized to receive data from a plurality of stores of a supply chain)

42. Claim 37:

Hoffman et al. shown, discloses the following limitations:

- *displaying exceptions in the supplier's compliance information that are not in compliance, while hiding compliance information that is in compliance* (see at least page 43 paragraph 0952.... a stronger way to provide confidentiality is through encryption. Encryption is accomplished by scrambling data so that it is very difficult and time consuming for anyone other than the authorized recipients or owners to obtain the plain text)

43. Claim 38:

Hoffman et al. shown, discloses the following limitations:

- *identifying a plurality of compliance provisions from contract terms, conditions, and applicable regulations for a customer's contract* (see at least page 16 paragraph 0405....the supply agreement is entered into with the supply agreement having at least the following provisions: i) establishing a contract price for the good, and ii) requiring the selling supply chain participant to bill the buying

supply chain participant at an invoice price to be determined by the supply chain manager)

gathering supplier compliance information quantifying compliance by the supplier with the compliance provisions (see at least page 9 paragraph 0291....such performance information includes system inventory levels and movement, ordering activity, order fill rates, on-time deliveries, and product quality issues)

- *storing the supplier compliance information in a database that is accessible over a network* (see at least page 11 paragraph 0312....data such as menu item sales is collected in a database. An integrity check can be performed prior to storing the data in a database)
- *verifying the supplier compliance information using a verification provider in order to produce qualitative verification of supplier compliance information* (see at least page 10 paragraph 0308....the first set of data relates to an amount of goods sold by the stores. A second set of real-time data is collected from the stores utilizing the network. The second set of real-time data relates to the amount of goods sold by the stores. The second set of real-time is compared against the forecasting and the results of the comparison are fed back for facilitating supply chain management)
- *facilitating customer access over the network to the supplier compliance information for the compliance provisions* (see at least page 8 paragraph 0280....processed data may be made accessible via a network-based interface)

44. Claim 39:

Hoffman et al. shown, discloses the following limitations:

- *obtaining supplier compliance information specified by a customer that includes the customer's contract terms, conditions, and applicable regulations for a supplier* (see at least page 16 paragraph 0405....the supply agreement is entered into with the supply agreement having at least the following provisions: i)

establishing a contract price for the good, and ii) requiring the selling supply chain participant to bill the buying supply chain participant at an invoice price to be determined by the supply chain manager)

- *gathering supplier compliance information from suppliers who provide the supplier compliance information to be further qualified to be engaged in business with the customer* (see at least page 9 paragraph 0288....a plurality of distributors and suppliers are registered each in one of a plurality of marketplaces with each marketplace involving the supply and distribution of at least one of a plurality of goods used by a plurality of stores)
- *charging the suppliers a periodic fee for verification of the supplier's compliance information* (see at least page 16 paragraph 0397....the users are identified upon accessing the data utilizing the network-based interface in operation so that the users can be charged a fee)
- *verifying supplier compliance information using a verification provider to provide verified supplier compliance information* (see at least page 8 paragraph 0274....this includes distributor and supplier performance measures, representations of daily outlet item sales with translations to specified product requirements, and inventory levels, sales history and forecasts at various points in the Supply Chain)
- *facilitating customer access to the verified supplier compliance information at no charge to the customer via a computer network* (see at least page 8 paragraph 0280....processed data may be made accessible via a network-based interface)

45. Claim 40:

Hoffman et al. shown, discloses the following limitations:

- *verifying supplier compliance information that includes contract terms, conditions, and applicable regulations contained in a customer's contract with the supplier as specified by a customer* (see at least page 16 paragraph 0405....the supply

agreement is entered into with the supply agreement having at least the following provisions: i) establishing a contract price for the good, and ii) requiring the selling supply chain participant to bill the buying supply chain participant at an invoice price to be determined by the supply chain manager)

46. Claim 41:

Hoffman et al. shown, discloses the following limitations:

- *charging the suppliers a periodic fee further comprises the step of charging the suppliers a yearly fee for ongoing verification of the supplier's compliance information* (see at least page 16 paragraph 0397....the users are identified upon accessing the data utilizing the network-based interface in operation so that the users can be charged a fee)

47. Claim 42:

Hoffman et al. shown, discloses the following limitations:

- *obtaining supplier information from a customer in order to collect supplier compliance information that includes the customer's contract terms, conditions, and applicable regulations for a supplier* (see at least page 16 paragraph 0405....the supply agreement is entered into with the supply agreement having at least the following provisions: i) establishing a contract price for the good, and ii) requiring the selling supply chain participant to bill the buying supply chain participant at an invoice price to be determined by the supply chain manager) *gathering supplier compliance information from suppliers who provide the supplier compliance information in order for the supplier to engage in further business with the customer* (see at least page 9 paragraph 0291....such performance information includes system inventory levels and movement, ordering activity, order fill rates, on-time deliveries, and product quality issues)
- *charging the suppliers a periodic fee for verification/of the supplier's compliance information* (see at least page 16 paragraph 0397....the users are identified upon

accessing the data utilizing the network-based interface in operation so that the users can be charged a fee)

- *verifying supplier compliance information using a verification provider to provide verified supplier compliance information* (see at least page 8 paragraph 0274....this includes distributor and supplier performance measures, representations of daily outlet item sales with translations to specified product requirements, and inventory levels, sales history and forecasts at various points in the Supply Chain)
- *facilitating customer access to the verified supplier compliance information at no charge to the customer via a computer network* (see at least page 8 paragraph 0280....processed data may be made accessible via a network-based interface)
- *displaying exceptions regarding the supplier's compliance information to a customer* (see at least page 13 paragraph 0351....reports are generated and sent back to some or all of the participants....reports include all information relevant to supplier)

48. Claim 43:

Hoffman et al. shown, discloses the following limitations:

- *displaying exceptions further comprises the step of displaying exceptions that are not in compliance, while hiding compliance information that is not in compliance* (see at least page 43 paragraph 0952.... a stronger way to provide confidentiality is through encryption. Encryption is accomplished by scrambling data so that it is very difficult and time consuming for anyone other than the authorized recipients or owners to obtain the plain text)

49. Claim 44:

Hoffman et al. shown, discloses the following limitations:

- *displaying exceptions to the compliance information with a red icon and compliance information that is verified for correctness with a green icon* (see at

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least page 79 paragraph 1835....button moves whatever has been highlighted on the left and includes it in the proposal. Button removes only the highlighted selections from the proposal....highlighting provides user with easy manipulation of certain data)

FINAL CONCLUSION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

CONCLUSION

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Michael D. Cranford** whose telephone number is **571-270-3106**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Thomas Dixon** can be reached at **571-272-6803**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark**

Office Customer Service Window:

Randolph Building
401 Dulany Street
Alexandria, VA 22314.

/ Michael Cranford / Examiner / Art Unit 4143 /
November 21, 2008

/Frantzy Poinvil/
Primary Examiner, Art Unit 3696